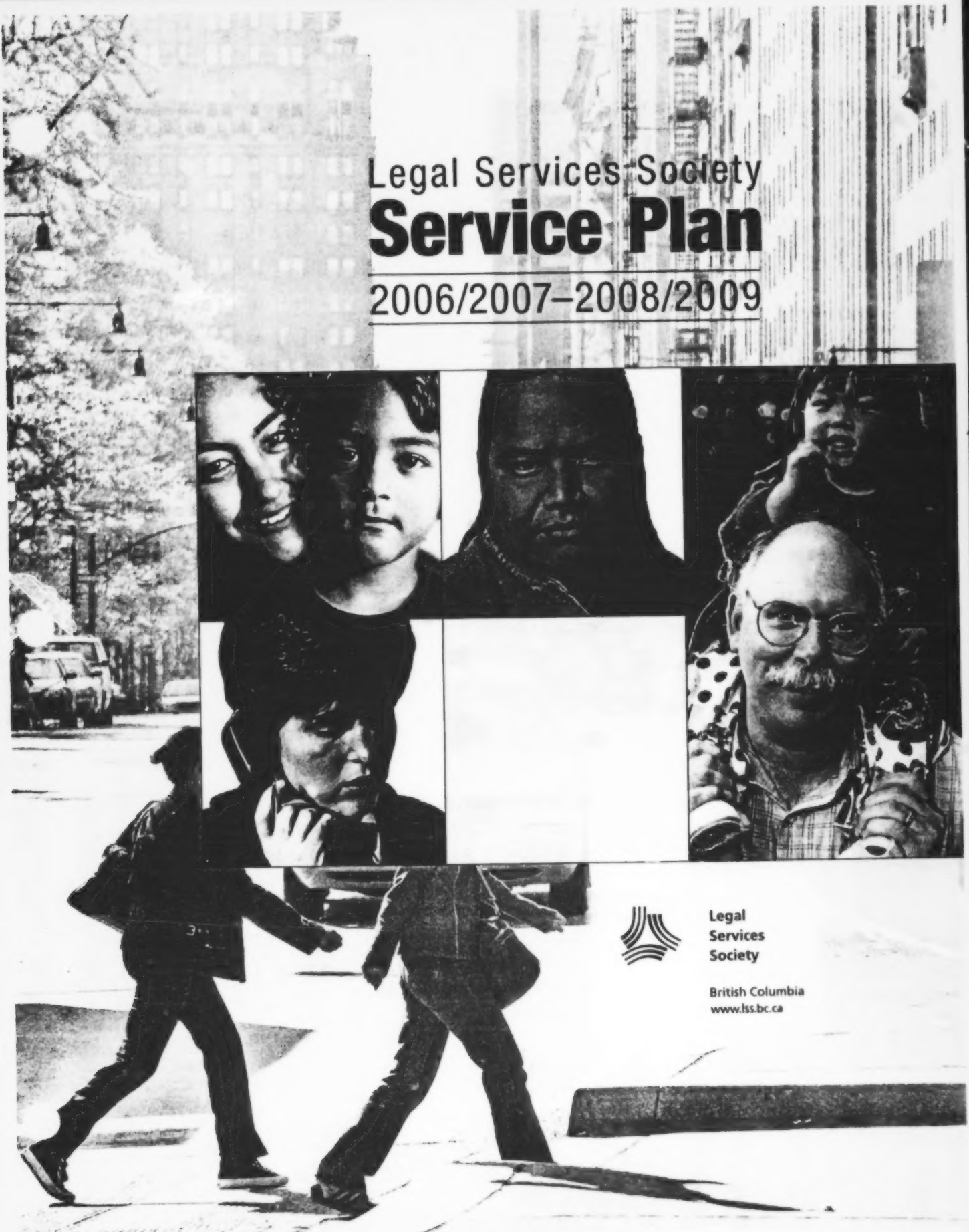
Legal Services Society

Service Plan

2006/2007–2008/2009



Legal
Services
Society

British Columbia
www.lss.bc.ca

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Writer: Thomas Fink

Editor: Kathryn Spracklin

Designer: Gillian Boyd

Project Co-ordinator: Thomas Fink

Publishing Co-ordinator: Candice Lee

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For more information

Mark Benton, Executive Director
Legal Services Society
400 – 510 Burrard Street
Vancouver, BC V6C 3A8

Telephone: (604) 601-6000
Website: www.lss.bc.ca

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Letter from the Board Chair to the Minister Responsible and Accountability Statement

January 31, 2006

The Honourable Wally Oppal
Attorney General
Province of British Columbia

Dear Mr. Attorney:

I am pleased to present you with the *Legal Services Society Service Plan 2006/2007 – 2008/2009*. As in previous years, our service plan is based on strategic priorities designed to enhance the society's ability to meet the legal needs of people with low incomes in BC. For the coming three-year period, these priorities are in the areas of service innovation, tariff renewal, and public awareness about LSS and access to justice issues.

The society is mandated by the Legal Services Society Act to develop and administer BC's legal aid plan. Our services include legal information, advice, and/or representation, and we collaborate with our partners in the justice system to provide clients with the level of help that is most likely to resolve their legal problems.

The past three years have seen significant changes in legal aid as the society adjusted its structure and services to accommodate substantially lower funding levels. This period has been marked by a series of innovations that include developing family duty counsel, LawLINE advice, and enhanced Internet-based legal information services.

In 2005, we began to improve the system of tariffs for paying lawyers who take legal aid referrals; these improvements represent our initial steps toward ensuring the continued availability of quality legal representation for clients. In addition, following a review of its structure, this year LSS reorganized internally to improve our ability to manage workloads, sustain client services, and respond to change. This reorganization is reflected in our service plan, the development of which now involves staff to a greater extent than ever before. We revised the plan so that each division at LSS is responsible for a specific society goal, along with the related objectives and strategies. We also focused our performance evaluation on six critical measures. With baselines now set in four of these, we are moving toward obtaining concrete data that will support and guide ongoing improvements.

Over the next several years, the society plans to use its accumulated surplus — which is a result of factors such as unpredicted declines in immigration to BC — to pursue further innovations by conducting pilot projects that test new ways of advancing our strategic priorities.

The surplus, however, can support only time-limited projects. Among the key challenges facing LSS is the difficulty of obtaining permanent funding for all successful pilots. For instance, this year's increase in core funding allowed us to turn the family duty counsel project into a permanent program and institute some other family law improvements, but it did not cover ongoing funding for other services — such as LawLINE

advice — that have also proven to benefit clients and the overall justice system. As funding from the provincial government is unavailable in 2006/2007 for these innovations, the society will draw on its accumulated surplus to support them for another year.

LSS must also continue to find effective ways to address a variety of gaps in service. For instance, legal representation for poverty law matters is still unavailable, permanent funding for immigration services remains uncertain, and only limited service is available for family law cases that do not involve violence or child protection issues. In response to this need, LSS will expand the awareness campaign it initiated in 2004 to promote public support for legal aid funding.

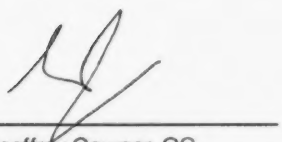
Five key issues that will significantly affect next year's operations are the need for further tariff renewal measures; the need to find permanent funding for LawLINE, LawLINK, and legal information outreach workers; tariff and wage pressures arising from the 13% wage increase to Crown counsel; BC Government Employees Union collective bargaining; and disbursement cost increases resulting from government changes to Crown disclosure policies.

LSS staff, management, and board members are committed to the values of leadership, respect, and working with others. Their dedication to our clients, their expertise derived from years of providing legal aid, and their inventiveness in developing new and valuable programs forms the foundation for the society's success. LSS is fortunate, as well, to have many partners throughout the justice system who are passionate advocates for access to justice, including local agents, lawyers who take legal aid referrals, and community service providers.

This service plan was prepared under the direction of the LSS board in accordance with the Budget Transparency and Accountability Act. The board is accountable for the contents of the plan, including the selection of performance measures and targets. The plan is consistent with the BC government's strategic priorities and overall strategic plan. All significant assumptions, policy decisions, and identified risks, as of December 31, 2005, have been considered in preparing the plan. The board is accountable for ensuring the society achieves the specific objectives identified in the plan and for measuring and reporting on its actual performance.

We look forward to working with you to further enhance our ability to meet client needs and to advance access to justice in BC.

Yours truly,



Geoffrey Cowper, QC

Chair, LSS Board of Directors

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"To no one will we sell, to no one will we refuse or delay, right or justice."

Magna Carta, 1215

Core Services

The Legal Services Society offers a continuum of services that includes legal information, education, advice, and representation.

The Legal Services Society (LSS) is a non-profit organization established by statute in 1979 to provide legal aid services in British Columbia.

LSS services are delivered by staff at regional centres and on the toll-free LSS Call Centre and LawLINE, and by funded local agents across the province. Private bar lawyers who accept LSS referrals provide most of the legal representation services. In addition, the society contracts private bar lawyers and other organizations to deliver services such as duty counsel.

The society works to ensure its services are accessible to all communities. For example, LSS provides call centre services for people who can't apply for legal aid in person and telephone interpreter services for call centre and LawLINE callers as needed, pays for interpreters for clients working with legal aid lawyers, and produces legal information publications in a range of languages.

LSS legal representation services are available to financially eligible people with serious family problems (e.g., for child apprehension matters or for specific issues where domestic violence is involved) and serious criminal problems. Representation is also provided for people who face a refugee or deportation hearing, Mental Health Review Panel or BC Review Board hearing, or prison issue for which the Charter of Rights and Freedoms establishes a right to counsel.

Legal advice is available through the Brydges line, duty counsel, family advice lawyers, and LawLINE. Many LSS advice services are subject to a financial eligibility test.

People with low incomes who do not qualify for legal representation or advice services can still get legal information. The society provides a range of information services through LawLINE, publications, several websites, public access computers, and training conferences for community advocates working with LSS clients.

Governance at LSS

LSS is governed by a nine-member board of directors. Of the nine directors:

- five are appointed by the Lieutenant-Governor in Council on the recommendation of the Attorney General, and
- four are appointed by the Law Society of BC after consultation with the executive of the BC Branch of the Canadian Bar Association.

The Legal Services Society Act outlines the need for the board as a whole to have a range of knowledge, skills, and experience in areas including:

- business management and the financial affairs of public and private sector organizations;
- the law and the operation of courts, tribunals, and alternative dispute resolution processes;
- legal aid provision;
- the cultural and geographic diversity of BC; and
- the social and economic circumstances associated with the special needs of people with low incomes.

At January 31, 2006, the board members were:

- Geoffrey Cowper, QC, Chair
- D. Brent Adair, QC
- Janice Comeau
- Chief Leah George-Wilson
- Larry Goble
- Bruce Hardy
- John M. Hogg, QC
- D. Mayland McKimm, QC
- Greg Stacey

Management of the business of LSS is the responsibility of the executive director, who works in accordance with the policies of the board and is subject to its control and direction. Mark Benton has been the executive director since 2002.

The society was established by the LSS Act (the act) for the purpose of developing and maintaining an effective and efficient system of legal aid for low income individuals in British Columbia.

Under section 9 of the act, the society's objects are:

- to assist low income individuals to resolve their legal problems and facilitate access to justice for low income individuals,
- to establish and administer an effective and efficient system for providing legal aid to low income individuals in British Columbia, and
- to provide advice to the Attorney General respecting legal aid.

To assist low income individuals to resolve their legal problems by providing a spectrum of services that promotes their effective participation in the justice system.

An innovative, collaborative legal aid system responding to the needs of low income people throughout British Columbia.

Making a difference through leadership, respect, and working with others.

Strategic Issues

This year, the LSS board and senior management conducted an environmental scan and risk analysis to determine the main factors that will affect the society's ability to achieve its intended results in 2006 – 2009. The following key strategic issues emerged from this analysis.

Capacity management

Since 2002, a critical challenge for the society has been finding ways to maintain client services with considerably fewer staff. In response, LSS reorganized internally over the past year to better manage workloads and focus resources on achieving its strategic objectives. LSS will continue to monitor and evaluate how the new structure is working. As we identify better ways to serve clients, we will make the necessary structural adjustments to address organization and capacity issues, and increase our flexibility and efficiency.

Fiscal circumstances

This year, LSS received an additional $4.6 million in core funding to improve family law services for people with low incomes, but still faces challenges in obtaining permanent funding to fill other service gaps. For instance, the highly successful LawLINE, LawLINK, and legal information outreach worker services are currently funded only to March 31, 2006. As well, LSS poverty law services are currently restricted to LawLINE and public legal education, and the society offers only limited help in serious family law matters where there is no violence or child protection is not an issue.

The accumulated surplus at March 31, 2005, was $8.4 million, of which $4.3 million is unrestricted funds available for future use. The surplus was the result of several factors over the past few years, including unanticipated case volume declines, efficient management of the transition to a new service delivery system in 2002, and receipt of a federal grant at the end of March 2004 (too late for LSS to use before year-end). LSS plans to eliminate the unrestricted accumulated surplus by 2010 by drawing on these funds to support pilot projects in poverty and family law. The society will seek permanent funding for the pilots that are successful.

Tariff renewal

Lawyers in private practice who are paid according to the society's tariff system deliver legal representation for more than 95% of legal aid cases. An ongoing strategic issue for LSS, however, is the decline in the number of lawyers who are willing and able to take on this work — a situation that could impede the society's ability to respond to the needs of people with low incomes. Over the past year, LSS conducted an in-depth tariff review, during which lawyers advised LSS that the tariff structures do not reflect the demands and realities of current legal aid practice and are not sufficiently geared to rewarding results — findings that are consistent with the lawyer satisfaction survey conducted in January 2005.

This year, LSS began to renew the tariffs with changes that focus on ensuring the system supports best practices and quality services by lawyers. Over the next few years, LSS plans to implement further tariff renewal measures. These, combined with technological improvements such as electronic billing, will help ensure legal aid referrals remain attractive to lawyers and mitigate the risk of service disruptions.

Public awareness and support

One of the board's strategic priorities for the next three years is to actively raise public awareness of and support for legal aid and access to justice issues. The society will expand its outreach to groups and individuals who make and/or influence policy decisions, as well as to the general public, to generate positive public perceptions of legal aid and create a favourable political environment for funding LSS services.

Innovative services

LSS has a solid reputation for collaborating with others to find new ways to meet client needs. One of the society's strategic priorities for this planning period is to continue to test innovative services in poverty and family law and alternative service delivery mechanisms.

Client contributions

Legal aid plans in three provinces collect more than 5% of their total revenue from client contribution and cost recovery programs. The same three provinces also operate expanded eligibility programs aimed at providing legal aid to the working poor.

As part of the society's commitment to helping people with low incomes resolve their legal problems, and as part of its mandate to advise the Ministry of Attorney General (MAG) about legal aid, LSS will continue to evaluate client contributions by commissioning a formal feasibility study in 2006/2007.

Key issues for 2006/2007

The following issues, which flow from the strategic issues outlined in this section, have the potential to significantly affect the society's operations in the first year of this plan:

- Tariff and wage pressure — The 13% increase in Crown counsel wages creates pressure for similar increases at LSS
- Electronic disclosure requirements — The new requirement to provide disclosures on CD-ROM will increase costs to LSS
- Collective bargaining — The society's collective agreements with the BC Government Employees Union and the Professional Employees Association have expired and will need to be renegotiated (costs not known until new agreements are reached)
- Tariff Renewal — Increased tariff rates expected
- LawLINK and LawLINE — These projects require funding past March 31, 2006, to become permanent services

Inputs
Resources
Activities
Advise the Attorney General about legal aid
Provide legal representation
Provide legal advice
Provide legal information and education
Build LSS capacity
Outputs
» Information
» Expert advice
» Contracted services to provincial government
» Representation in criminal, family, immigration, and mental health law
» Advice given through:
» LawLINE
» Duty counsel
» Brydges line
» LawLINE
» Publications and websites
» Conferences for advocates and intermediaries
» Assessments of legal information and education needs of low income individuals
» Skilled staff recruited
» Training for LSS staff, professionals, and community service providers
» Research
» Relationships built with community partners
» Assessments of legal needs of low income individuals
» Funding acquired
Initial Outcomes
Interests of low income individuals are considered in justice system changes.
Legal aid is accessible through LSS to all low income individuals in BC.
Services provided by LSS respond to the legal needs of low income individuals in BC.
Low income individuals in BC are aware of LSS services and how to access them.
Intermediaries are aware of LSS services and refer low income individuals to them.
LSS staff, professionals, and providers have the capacity to provide the required services.
Intermediate Outcome
Services that respond to the legal needs of low income individuals are available in BC.
Ultimate Outcome
Low income individuals resolve their legal problems.
Key Stakeholder Outcomes
Ministry of Attorney General: 1) A ministry that is a leader in law reform and innovative justice processes. 2) An effective criminal justice system. 3) An effective civil justice system. 4) Effective legal services enabling government to administer public affairs in accordance with the law.
Law Foundation of BC: The rule of law and a just society are advanced and promoted.
Notary Foundation: Legal education and research and legal aid are available.
Justice Canada: The Minister of Justice is supported in working to ensure that Canada is a just and law-abiding society with an accessible, efficient, and fair system of justice.

Public Awareness

Accessibility

Quality Services

Strategic Management

Fiscal Responsibility

The 2006/2007 – 2008/2009 service plan is based on a new strategic planning framework for LSS. Over the last year, LSS has significantly changed its internal structure to strengthen its client focus and enhance its capacity to sustain current services. The society is now organized into four divisions reporting to the executive director, each with end-to-end accountability for processes and outcomes. Two divisions are responsible for delivery of services to the public and legal aid clients, and two are responsible for strategic management and corporate services.

Each division, including the executive office, is accountable for one of the goals in the service plan, enabling LSS to align its day-to-day work with its vision.

LSS revised some performance measures for the 2006/2007 – 2008/2009 planning period. These changes are outlined in the table below.

Changes to performance measures from 2005/2006 – 2007/2008 service plan

Change	Rationale
Replaced employee satisfaction rating with an employee engagement score (see Goal 4, page 15)	An employee engagement score measures both satisfaction and commitment levels, and is designed to more effectively equip organizations with knowledge on the type of actions that will strengthen organizational performance.
Removed "initiatives funded by short-term funding" measure	This measure is no longer strategically aligned.
Postponed client satisfaction survey until 2007/2008 (see Goal 2, page 13)	LSS does not have the capacity to develop the survey at this time.
Removed intermediary ratings of the responsiveness of LSS services and their awareness of LSS services	These measures are no longer strategically aligned.
Removed "resources used by LSS providing advice to MAG" measure	This measure is no longer strategically aligned.
Added public approval rating measure (see Goal 1, page 12)	This measure supports two new objectives: ■ Ensure public perceptions of legal aid are positive ■ Create a favourable environment for funding LSS
Added actual to budget variance measure (see Goal 5, page 16)	This measure supports the new objective of improving financial forecasting.

Goal 1

There is broad-based support for legal aid.

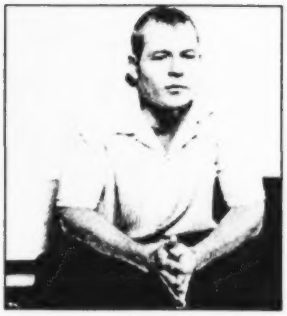
Objectives

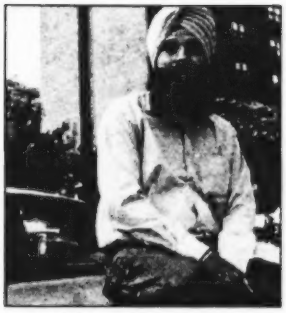
- Ensure public perceptions of legal aid are positive
- Create a favourable environment for funding LSS

Strategies

- Partner with stakeholders to promote public awareness of and support for LSS and its services
- Use media, publications, and LSS websites to promote public discourse about legal aid as a public policy issue
- Educate and inform elected and public officials and community leaders about legal aid, access to justice, and needed reform
- Maintain consistent board contact with key stakeholders
- Provide advice to the Attorney General on the legal aid system

Performance measure	2005/06 Forecast	2006/07 Target	2007/08 Target	2008/09 Target
Overall public approval rating for LSS services (Annual survey)	89%	Baseline+	Baseline+	Baseline+





Goal 2

People with low incomes can access appropriate and effective legal information and application services.

Objectives

- Strengthen the capacity of community service partners to provide information and application services
- Increase the accessibility of legal information services for people with low incomes
- Increase the accessibility and cost-effectiveness of the LSS application process

Strategies

- Review the current service delivery model for public legal information and education to assess efficiency and effectiveness
- Integrate legal information and education services with other service partners
- Increase the availability of LSS application and information services
- Develop a strategy to deliver Aboriginal/First Nations legal aid services

Performance measure	2005/06 Forecast	2006/07 Target	2007/08 Target	2008/09 Target
Client satisfaction with the accessibility of LSS services (Survey every three years)	Develop survey	Develop survey	Baseline set	Not measured this year

Goal 3

Low income clients receive quality legal advice and representation services that are proportionate to their needs.

Objectives

- Identify gaps in service
- Increase lawyers' involvement and engagement in the delivery of legal aid
- Increase the accessibility of advice services for people with low incomes

Strategies

- Define and develop centres of expertise in criminal and civil law
- Develop innovative projects to address gaps in advice and representation services
- Use technology to involve lawyers across the province in providing advice services
- Review and enhance the quality assurance program
- Implement tariff renewal recommendations, including results-based management

Performance measure	2005/06 Forecast	2006/07 Target	2007/08 Target	2008/09 Target
Client satisfaction with LSS advice and representation services (Survey every three years)	Not measured this year	Develop survey	Baseline set	Not measured this year
Tariff lawyer satisfaction with support provided by LSS Baseline of 68% set in 2003/2004 (Survey every three years)	Not measured this year	75%	Not measured this year	Not measured this year

Goal 4

Strategic and sustainable management of staff capacity and LSS services to meet the legal needs of people with low incomes.

Objectives

- Establish a strategically aligned policy and planning framework
- Improve resource capacity management

Strategies

- Implement a capacity management and organizational development strategy
- Develop and implement a corporate reporting framework
- Develop and implement a knowledge management strategy
- Develop and implement a risk management strategy

Performance measure	2005/06 Forecast	2006/07 Target	2007/08 Target	2008/09 Target
Overall LSS employee engagement score Baseline of 72% set in 2004/2005 (Survey every three years)	Not measured this year	Not measured this year	77%	Not measured this year

Goal 5

Effective management of LSS funds.

Objectives

- Strengthen policy compliance
- Use technology to streamline processes
- Improve financial forecasting

Strategies

- Implement electronic funds transfer for lawyers
- Develop and implement an information technology strategy to address long-range IT requirements
- Implement audit strategy and internal review plan
- Review budget process to improve accuracy of financial results

Performance measure	2005/06 Forecast	2006/07 Target	2007/08 Target	2008/09 Target
Actual to budget variance	3% variance	2% variance	1.5% variance	1.5% variance

Supporting Justice

The provincial government's *Strategic Plan Update 2005/2006 – 2007/2008* outlines "five great goals for a golden decade." LSS and its services support the third goal: "To build the best system of support in Canada for persons with disabilities, special needs, children at risk, and seniors."

LSS supports the government's goal by providing services that respond to the special legal needs of people with low incomes. LSS makes legal information, education, advice, and representation available, and takes steps to ensure intermediaries as well as potential clients are aware of these services. LSS also collaborates with a wide range of justice system partners and other stakeholders to provide innovative, cost-effective services to enhance access to the justice system for our clients.

In addition, LSS provides the Attorney General with information and expert advice, and participates in justice reform activities and legal research, to ensure that justice system decisions and changes address the legal needs of people with low incomes.

Alignment with goals of other stakeholders

LSS works closely with its partners in the justice system to seek cost-effective ways of meeting the legal needs of people with low incomes while also advancing the goals of stakeholders. LSS acknowledges the support and collaboration of the Ministry of Attorney General, the Notary Foundation of BC, the Law Foundation of BC, and Justice Canada. Funding from each of these partners is used to support the society's legal information, education, advice, and representation programs. In turn, LSS services contribute to the following outcomes, which are encompassed in the goals of these stakeholders:

Ministry of Attorney General

1. A ministry that is a leader in law reform and innovative justice processes.
2. An effective criminal justice system.
3. An effective civil justice system.
4. Effective legal services enabling government to administer public affairs in accordance with the law.

Law Foundation of BC

The rule of law and a just society are advanced and promoted.

Notary Foundation of BC

Legal education and research and legal aid are available.

Justice Canada

The Minister of Justice is supported in working to ensure that Canada is a just and law-abiding society with an accessible, efficient, and fair system of justice.

LSS summary financial outlook 2005 – 2008 *(in millions)*

	2004/05	2005/06	2006/07*	2007/08*	2008/09*
	Actual	**Latest forecast**	**Budget**	**Forecast**	**Forecast**
Revenue					
Government of BC grant	$ 56.0	$ 61.6	$ 62.4	$ 62.4	$ 62.4
Federal Investment Fund (includes large federal cases)	3.7	2.8	3.3	3.3	3.3
Law Foundation	3.5	3.6	3.6	3.3	3.3
Notary Foundation	0.5	0.6	0.6	0.6	0.6
Other	1.0	1.1	1.1	1.1	1.1
Total revenue	**64.7**	**69.7**	**71.0**	**70.7**	**70.7**
Expenses					
Tariff	41.3	46.7	54.1	53.2	53.2
Client liaison	6.5	5.7	8.0	6.5	6.5
Public legal education and information	2.4	1.7	1.9	1.9	1.9
Strategic priorities	3.5	5.7	0.5	.5	.5
Federal Investment Fund initiatives	0.5	1.8	3.3	3.3	3.3
Other	6.4	6.1	5.2	5.3	5.3
Total expenses	**60.6**	**67.7**	**73.0**	**70.7**	**70.7**
Net income	**$ 4.1**	**$ 2.0**	**$ (2.0)**	**$ –**	**$ –**
Full-time equivalents†	**149.0**	**149.5**	**149.5**	**149.5**	**149.5**

Note 1: The LSS Board has directed that the unrestricted accumulated surplus as at March 31, 2006, be eliminated by the end of the 2010 fiscal year. The operating deficits required in 2007/08 and 2008/09 to draw down the surplus are not reflected in this summary financial outlook.
Note 2: Not reflected in the forecast for 2007/08 and 2008/09 is a $7.4 million request for required additional funds to maintain essential services through tariff renewal, LawLINE, and electronic disclosure.

*Government of BC funding for the years 2006/07, 2007/08, and 2008/09 is not yet confirmed.
†Does not include term positions.

Key assumptions

- Support from the Federal Investment Fund will be extended through 2006/2007 and 2007/2008 in the amount of $2.6 million per year.
- No material change in the number of cases prosecuted by the province.
- No material changes to the Memorandum of Understanding.
- Revenue figures are pending approval by the Attorney General of a grant increase to fund disbursement costs relating to electronic disclosure.
- LSS is relying on representations from the Ministry of Attorney General and Public Sector Employers' Council that public sector wage settlements will be funded.

Forecast risks and sensitivities

- Unanticipated increases in the volume of cases.
- Inflationary pressures.
- The costs and/or timing of exceptional cases.
- Cancellation of support from the Federal Investment Fund.
- Change in interest rates affecting the investment return and funding from the Notary Foundation.
- 2008/09 forecast: This budget year duplicates 2007/08; it does not represent an accurate forecast of revenue and expenditures. The cost and scope of services is expected to change over a three-year period.

Appendix 1: LSS Service Plan Overview

Mission

To assist low income individuals to resolve their legal problems by providing a spectrum of services that promotes their effective participation in the justice system.

Vision

An innovative, collaborative legal aid system responding to the needs of low income people throughout British Columbia.

Goals

1 There is broad-based support for legal aid.

2 People with low incomes can access appropriate and effective legal information and application services.

3 Low income clients receive quality legal advice and representation services that are proportionate to their needs.

4 Strategic and sustainable management of staff capacity and LSS services to meet the legal needs of people with low incomes.

5 Effective management of LSS funds.

Objectives

- Ensure public perceptions of legal aid are positive
- Create a favourable environment for funding LSS

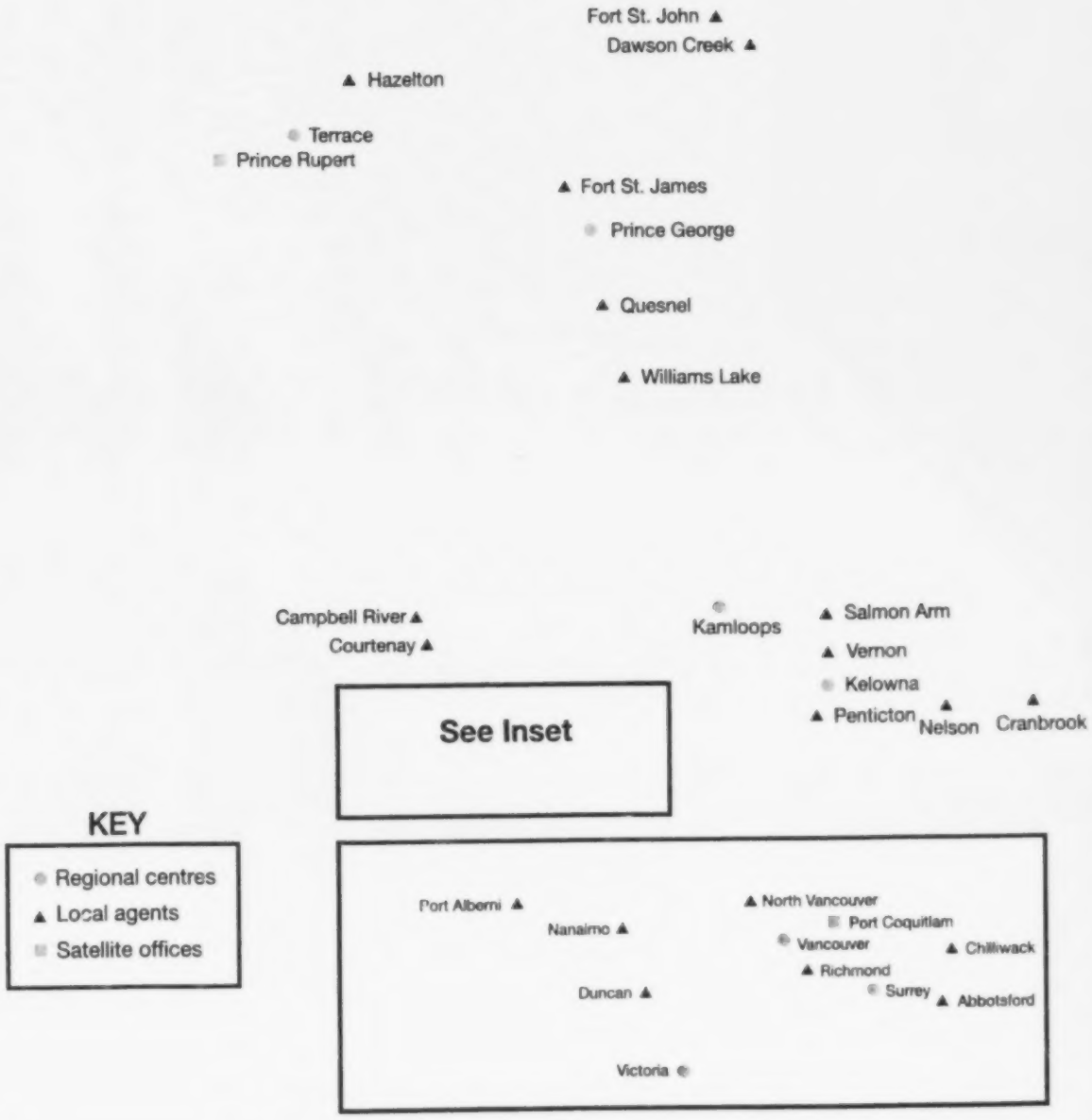
- Strengthen the capacity of community service partners to provide information and application services
- Increase the accessibility of legal information services for people with low incomes
- Increase the accessibility and cost-effectiveness of the LSS application process

- Identify gaps in service
- Increase lawyers' involvement and engagement in the delivery of legal aid
- Increase the accessibility of advice services for people with low incomes

- Establish a strategically aligned policy and planning framework
- Improve resource capacity management

- Strengthen policy compliance
- Use technology to streamline processes
- Improve financial forecasting

Map of Legal Aid Offices



January 2006